

Message Text

CONFIDENTIAL

PAGE 01 BOGOTA 06103 021607Z

42

ACTION ARA-10

INFO OCT-01 ISO-00 SNM-02 TRSE-00 EB-07 COME-00 DOTE-00

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FM AMEMBASSY BOGOTA

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C O N F I D E N T I A L BOGOTA 6103

EO 11652: GDS

TAGS: SNAR CO

SUBJ: US CUSTOMS NARCOTICS ENFORCEMENT POLICY: GRANCOLOMBIANA LINES

REF: STATE 132922; BOGOTA 3606 AND 5889 (NOTAL)

SUMMARY: BOGOTA 5889 REPORTED ON OUR CONTACTS WITH GOC AND FLOTA GRANCOLOMBIANA RE US CUSTOMS NARCOTICS ENFORCEMENT POLICY. AS RESULT THESE CONTACTS, MISSION HAS RECEIVED LETTER FROM GRANCOLOMBIANA RAISING SEVERAL POINTS, NOT ALL OF WHICH WERE COVERED IN REFTEL. THESE INCLUDE A) REQUEST THAT US PROSECUTORS SEEK STIFFER PENALTIES FOR GRANCOLOMBIANA CREWMEN INVOLVED IN TRAFFICKING, B) QUESTION OF LEGALITY UNDER INTERNATIONAL LAW AND USAGE OF US CUSTOMS FINES LEVIED AGAINST GRANCOLOMBIANA, AND C) SUGGESTION THAT USG CONSIDER ASSIGNING NARCOTICS ENFORCEMENT OFFICER TO EACH GRANCOLOMBIANA VESSEL TOUCHING US PORTS. TEXT OF GRANCOLOMBIANA LETTER BEING POUCHED TO ARA/NC. ACTION REQUESTED: DEPARTMENT REACTION TO ISSUES RAISED PARAS TWO THRU FOUR BELOW.

1. MISSION HAS RECEIVED LETTER DATED JUNE 30 FROM GRANCOLOMBIANA LINES VICE DIRECTOR (SECUNDO GERENTE) JOSE VICENTE DAVILA ACKNOWLEDGING RECEIPT OF OUR RECENT LETTER OUTLINING CURRENT US CUSTOMS DRUG ENFORCEMENT POLICY. DAVILA LETTER DETAILS STEPS GRANCOLOMBIANA IS TAKING TO HALT DRUG TRAFFICKING VIA ITS SHIPS,
CONFIDENTIAL

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PAGE 02 BOGOTA 06103 021607Z

(SEE BOGOTA 5889), PROMISES CONTINUED GRANCOLOMBIANA COOPERATION

WITH GOC AND USG ENFORCEMENT AGENCIES, AND EXPRESSES THANKS FOR USG RECOGNITION OF COMPANY'S EFFORTS IN THIS REGARD.

2. WITH REFERENCE TO JUNE 24 MEETING WITH MISSION NARCOTICS COORDINATOR, DAVILA AGAIN URGES US PROSECUTORS SEEK STIFFER PRISON SENTENCES FOR COLOMBIANS -- PARTICULARLY GRANCOLOMBIANA CREWMEN WHO SERVE AS MULES -- ARRESTED IN THE US FOR DRUG TRAFFICKING. DAVILA CORRECTLY POINTS OUT THAT UNDER COLOMBIAN LAW IT IS DIFFICULT -- THOUGH NOT IMPOSSIBLE -- TO CHARGE COLOMBIANS FOR OFFENSES DISCOVERED IN US. STIFFER SENTENCES IMPOSED ON COLOMBIANS BY US COURTS, HE REASONS, WOULD HAVE SIGNIFICANT DAMPENING EFFECT ON COLOMBIA-US DRUG TRAFFIC AND WOULD REPRESENT A MAJOR STEP FORWARD IN US-GOC COLLABORATION IN THE FIGHT AGAINST DRUGS.

3. WITH REGARD TO US CUSTOMS FINES LEVIED AGAINST GRANCOLOMBIANA VESSELS WHOSE CREWMEN ARE CAUGHT TRAFFICKING IN DRUGS, DAVILA PROTESTS THAT THESE ACTIONS ARE "NOT IN ACCORD WITH INTERNATIONAL PRACTICES, NOR WITH UNIVERSAL RIGHTS." GRANCOLOMBIANA, HE ARGUES, IS IN NO WAY INVOLVED IN ILLEGAL DRUG TRAFFICKING. IT IS NOT EQUITABLE, DAVILA CONTENDS, TO PUNISH THE COMPANY WHEN MULES ARE ALLOWED TO GO FREE.

4. FINALLY, REITERATING THAT GRANCOLOMBIANA HAS AND WILL CONTINUE TO COOPERATE WITH ALL EFFORTS STOP ILLEGAL DRUG TRAFFICKING, DAVILA ASKS USG CONSIDER POSSIBILITY OF PLACING ENFORCEMENT OFFICERS (PRESUMABLY AMERICANS) ON EACH COMPANY VESSEL SAILING TO US PORTS. SUCH AGENTS WOULD PRESUMABLY COMPLEMENT DAS UNDERCOVER OFFICERS ALREADY ASSIGNED TO EACH GRANCOLOMBIANA VESSEL DESTINED FOR US PORTS.

5. DEA AND NARCOTICS COORDINATOR WILL CONTINUE CONTACTS WITH GRANCOLOMBIANA RE ALL ABOVE AND OTHER POSSIBLE COOPERATIVE EFFORTS, INCLUDING MODALITIES WIDER USE OF EVIDENCE COLLECTED IN US FOR COLOMBIAN NARCO PROSECUTIONS. THOUGH SUGGESTION WE ASSIGN US AGENTS TO GRANCOLOMBIANA SHIPS IS LIKELY IMPOSSIBLE IMPLEMENT, IT IS LEVER WE WILL USE IN ESTABLISHING BETTER COORDINATION AND COOPERATION BETWEEN DEA AND DAS UNDERCOVER NARCO AGENTS WORKING GRANCOLOMBIANA LINES SHIPS. THOUGH DEA BOGOTA WEEKS AGO GAVE DAS HEADQUARTERS NAMES OF SPECIFIC DEA CONTACTS IN EACH US PORT OF CALL, WE HAVE IN ONLY ONE INSTANCE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BOGOTA 06103 021607Z

ELICITED USEFUL INFORMATION FROM THIS PROCEDURE. NOW THAT GRANCOLOMBIANA HAS ASSIGNED SENIOR OFFICIAL (NAVIGATION DIRECTOR CAMPAIN SIGFREDO RAMIREZ) TO WORK DIRECTLY WITH GOC LEGAL AND ENFORCEMENT OFFICERS, WE MAY GET CLOSER DAS COLLABORATION IN THIS IMPORTANT AREA.

6. IN THE INTERIM, WOULD APPRECIATE DEPARTMENT COMMENTS ON POINTS RAISED IN GRANCOLOMBIANA LETTER (PARAS TWO THRU FOUR ABOVE).

AFTER REFLECTION, IT SEEMS TO US THAT GRANCOLOMBIANA IS MAKING
AT LEAST ONE VALID POINT: IS IT NOT, AS GRANCOLOMBIANA CONTENDS,
IRRATIONAL TO PUNISH THE UNWILLING AND UNWITTING ACCOMPLICE (THE
SHIP OWNER) WHILE COLOMBIAN MULES ARE LET OFF WITH A SUSPENDED
SENTENCE AND DEPORTATION FROM THE UNITED STATES?
VAKY

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